

Application Serial No. 10/715,623
Resubmission of Amendment of January 11, 2008

JUL 15 2008 PATENT
Docket: CU-3456

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Kenichi Furukawa) Group Art Unit: 2627
SERIAL NO: 10/715,623) Examiner: Joseph R. Haley
FILED: November 18, 2003)
TITLE: OPTICAL DISK APPARATUS, CONDITION MEASURING METHOD,
AND CONDITION MEASURING POSITION SETTING METHOD

Mail Stop AF
THE COMMISSIONER FOR PATENTS
P.O. Box 1450
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Certification under 37 C.F.R. §1.8(b)

The USPTO Central Fax No. (571) 273-8300

Date of Fax Transmittal: July 15, 2008

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Brian W. Hameder, Reg. No. 45613

RESUBMISSION OF AMENDMENT

Sir:

Upon receiving a telephone call from Examiner Haley today for a status check, Applicant's attorney learned that the previously submitted amendment and Request for Continued Examination (RCE) dated April 11, 2008 has not been entered by the Office. Another copy of that amendment and RCE, with a copy of the Auto-Reply Facsimile Transmission Receipt, evidencing receipt by the Office, is attached. It is respectfully requested that the amendment be entered.

Respectfully submitted,

July 15, 2008

Date


Attorney for Applicant
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(312) 427-1300
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04/11/2008 16:08 FAX 312 427 6663		LADAS & PARRY LLP		0001	
Application Serial No. 10/715,623			PATENT		
Reply to Office Action of January 11, 2008			Docket: CU-3456		
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE					
APPLICANT:	Kenshi Furukawa	Group Art Unit:	2627		
SERIAL NO.:	10/715,623	Examiner:	Joseph R. Holey		
FILED:	November 18, 2003	<u>EXPEDITED PROCEDURE</u>			
		<u>AMENDMENT AFTER FINAL</u>			
TITLE: OPTICAL DISK APPARATUS, CONDITION MEASURING METHOD, AND CONDITION MEASURING POSITION SETTING METHOD					
Mail Stop AF THE COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, VA 22313-1450					
<u>Certification under 37 C.F.R. §1.8(b)</u>					
The USPTO Central Fax No. (571) 273-8300					
Date of Fax Transmittal: April 11, 2008					
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted to the United States Patent and Trademark Office to the fax number and on the date indicated above.					
 Julie L. Langdon, Reg. No. 59001					
AMENDMENT					
Sir:					
This is in response to the Office Action dated January 11, 2008 and having a shortened statutory period for reply set to expire on April 11, 2008. Applicant submits the following responsive amendment in the above-identified application. Also submitted with this amendment is a Request for Continued Examination (RCE). Applicant believes this amendment places the application in better condition for allowance.					
Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.					
Remarks/Arguments begin on page 5 of this paper.					
1					
PAGE 15 * RCVD AT 01/02/08 5:07:27 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-638 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm:ss):05:18					

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04/11/2008 10:28 FAX 312 427 8683	RADAS & FARR LLP	#091/001
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

In accordance with 37 C.F.R. § 1.113, effective on May 20, 2008, provisions for continued examination of an already or about application filed on or after June 8, 1996.

This Transmittal Form Implements Provision A of USPTO Rule 1.104(a).

Application Number	10/715,623
Filing Date	November 2, 2003
First Named Inventor	Zaidchi, Parvaneh
Growth Unit	2627
Examiner Name	Jadeget R. Bailey
Attorney Docket Number	CX-3456

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.
(NOTE: 37 C.F.R. § 1.114 is effective on May 20, 2008. If the above-identified application was first filed on May 20, 2008, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.104 instead of an RCE to be eligible for the patent term extension protection of the AIA's "Last-Inventor-in-Succession" Continuation and Prosecution Protection Provisions. Final Rule, 68 Fed. Reg. 60865 (Oct. 14, 2003); In re Hays, 35 Fed. Reg. 14843 (Mar. 20, 2000), 1333 O.G. 646, Part Office Action #11, 2008, unless indicated otherwise.)

- Submission required under 37 C.F.R. § 1.114**
 - a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.115 previously filed on _____.
 - ii. ☐ Only substantial amendments referred to those set forth below.
 - iii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
 - b. ☒ Enclosed
 - i. ☒ Amendment(s)
 - ii. ☐ Affidavit declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____
- Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension will not exceed 6 months. Reviewer 37 C.F.R. § 1.103(d)(2).)
 - b. ☐ Other _____
 - c. ☒ Fees
 - The total fee under 37 C.F.R. § 1.170(b) is required by 37 C.F.R. § 1.114 when the RCE is filed.
 - d. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-0450.
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(c)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.130 and 1.17)
 - iii. ☐ Other _____
 - e. ☐ Check in the amount of \$_____ enclosed
 - f. ☐ Payment by credit card (From PTO-3008 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name / Print name	Julie L. Leighton	Registration No. / Patent Attorney	59021
Signature	[Handwritten Signature]	Date	4/11/08

CERTIFICATE OF MAILING ON TRANSFERENCE

I hereby certify that this correspondence is being deposited with the United States Postal Service via registered mail as first class mail in an envelope addressed to Commissioner for Patents, Des RCE, Washington, DC 20591, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name / Print name	Julie L. Leighton	Date	4/11/08
Signature	[Handwritten Signature]	Date	4/11/08

Bureau shall determine if there are all requirements for transference. There will vary depending upon the details of the individual cases. Any payment due to the Bureau of the time and attorneys' fees to complete this form must be sent to the Chief of Commercial Office, U.S. Patent and Trademark Office, Washington, DC 20591. DO NOT SEND FEES OR DOCUMENTS TO THIS ADDRESS, SEND FEES AND DOCUMENTS TO THE FOLLOWING ADDRESS IN ADDITION TO BUREAU OF PATENTS, DES RCE, WASHINGTON, DC 20591.